

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:15-cv-00266-MR-DLH**

MARTIN L. MAY,)
)
 Plaintiff,)
)
 vs.)
)
 RHA,)
)
 Defendant.)
 _____)

ORDER

THIS MATTER is before the Court on the Plaintiff's Application to Proceed in District Court without Prepaying Fees or Costs [Doc. 2], filed on November 30, 2015.

The Court will grant the Plaintiff's Application [Doc. 2] but will *sua sponte* dismiss the action. Rule 3 of the Federal Rules of Civil Procedure provides that: "A civil action is commenced by filing a complaint with the court." Fed. R. Civ. P. 3. A review of the Plaintiff's filings reveals that he has filed an application to proceed *in forma pauperis* [Doc. 2] and an additional filing, which the Clerk erroneously designated as a complaint [Doc. 1]. Upon closer examination, however, this latter filing is simply an addendum to the

application, in that it provides additional information pertaining to section 2 of that application. This filing, even under the most liberal construction, cannot properly be viewed as a complaint, as it fails to set forth even the most basic information regarding the Plaintiff's claims and the factual bases therefor.

It appears from the Plaintiff's other filings that he did not intend for this addendum [Doc. 1] to serve as his complaint. In a letter filed with the Clerk on December 2, 2015, the Plaintiff states that he is including a copy of his initial Charge of Discrimination filed with the EEOC, which charge he states he "will reference on the complaint, and submit soon." [Doc. 3 at 1]. More than 14 days have passed, however, and the Plaintiff has yet to file the promised complaint.

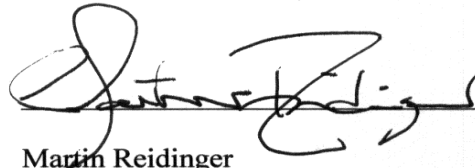
In sum, the Plaintiff has failed to file a complaint and thus has failed to commence a civil action within the meaning of Rule 3 of the Federal Rules of Civil Procedure. As such, the Court will dismiss this action without prejudice and direct the Clerk to close this case.

IT IS, THEREFORE, ORDERED that Plaintiff's Application to Proceed in District Court without Prepaying Fees or Costs [Doc. 2] is hereby **GRANTED**.

IT IS FURTHER ORDERED that this action is hereby **DISMISSED**
WITHOUT PREJUDICE.

IT IS SO ORDERED.

Signed: December 18, 2015


Martin Reidinger
United States District Judge

